

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
v.) 3:13-CR-075-LRH-(WGC)
)
DARYL LEE HEATH,)
)
Defendant.)

PRELIMINARY ORDER OF FORFEITURE

This Court finds that on September 15, 2014, defendant DARYL LEE HEATH pled guilty to Count One of a One-Count Felony Information charging him with Possession of Child Pornography in violation of Title 18, United States Code, Section 2252A(a)(5)(B). Information, ECF No. 46; Change of Plea, ECF No. 48; Plea Agreement, ECF No. 47.

This Court finds defendant DARYL LEE HEATH agreed to the forfeiture of the property set forth in the Plea Agreement and the Forfeiture Allegation of the Felony Information. Information, ECF No. 46; Change of Plea, ECF No. 48; Plea Agreement, ECF No. 47.

This Court finds, pursuant to Fed. R. Crim. P. 32.2(b)(1) and (2), the United States of America has shown the requisite nexus between property set forth in the Plea Agreement and the Forfeiture Allegation of the Felony Information and the offense to which defendant DARYL LEE HEATH pled guilty.

The following asset is subject to forfeiture pursuant to Title 18, United States Code, Section 2253:

1 1. Toshiba Satellite Laptop Computer (Serial No. 69217685Q) (“property”).

2 This Court finds the United States of America is now entitled to, and should, reduce the
3 aforementioned property to the possession of the United States of America.

4 NOW THEREFORE, IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that the
5 United States of America should seize the aforementioned property.

6 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED all right, title, and interest of
7 DARYL LEE HEATH in the aforementioned property is forfeited and is vested in the United States of
8 America and shall be safely held by the United States of America until further order of the Court.

9 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED the United States of America
10 shall publish for at least thirty (30) consecutive days on the official internet government forfeiture
11 website, www.forfeiture.gov, notice of this Order, which shall describe the forfeited property, state the
12 time under the applicable statute when a petition contesting the forfeiture must be filed, and state the
13 name and contact information for the government attorney to be served with the petition, pursuant to
14 Fed. R. Crim. P. 32.2(b)(6) and Title 21, United States Code, Section 853(n)(2).

15 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that any individual or entity
16 who claims an interest in the aforementioned property must file a petition for a hearing to adjudicate
17 the validity of the petitioner’s alleged interest in the property, which petition shall be signed by the
18 petitioner under penalty of perjury pursuant to Title 21, United States Code, Section 853(n)(3) and
19 Title 28, United States Code, Section 1746, and shall set forth the nature and extent of the petitioner’s
20 right, title, or interest in the forfeited property and any additional facts supporting the petitioner’s
21 petition and the relief sought.


22 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED a petition, if any, must be filed
23 with the Clerk of the Court, Bruce R. Thompson U.S. Courthouse and Federal Building, 400 South
24 Virginia Street, 3rd Floor, Reno, NV 89501, no later than thirty (30) days after the notice is sent or, if
25 direct notice was not sent, no later than sixty (60) days after the first day of the publication on the
26 official internet government forfeiture site, www.forfeiture.gov.

1 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED a copy of the petition, if any,
2 shall be served upon the Asset Forfeiture Attorney of the United States Attorney's Office at the
3 following address at the time of filing:

4 Greg Addington
5 Assistant United States Attorney
6 100 West Liberty Street, Suite 600
7 Reno, NV 89501

8 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED the notice described herein
9 need not be published in the event a Declaration of Forfeiture is issued by the appropriate agency
10 following publication of notice of seizure and intent to administratively forfeit the above-described
11 property.

12 DATED this 17th day of September, 2014.

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14 LARRY R. HICKS
15 UNITED STATES DISTRICT JUDGE
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